charged was the denial of the criminal act, and collateral questions, such as the victim's age, had not been in issue. To bar the later prosecution for perjury involves the danger that an acquittal obtained by perjured denials will absolve the defendant from the perjury as well, and this possibility demands a strict administration of the rule.

EVIDENCE — GENERAL PRINCIPLES AND RULES OF EXCLUSION — MATTERS LIKELY TO MISLEAD JURY: PRIVATE RULES TO SHOW STANDARD OF CARE. — In an action for negligent injury by a street car the plaintiff offered the private rules set by the company for its employees as evidence of the proper standard of care. *Held*, that such rules are inadmissible. *Virginia Railway & Power Co.* v. *Godsey*, 83 S. E. 1072 (Va.).

The private rules of a company are not admissible, unless possibly in connection with similar rules of other companies to show a general practice, except as admissions that conduct in violation of such rules is negligent. As admissions, however, they have but slight force, for ordinarily the rules impose on the employees a standard of care higher than that required by law, since the company is desirous of avoiding not simply liability but also accidents from the negligence of others. Furthermore, the policy against such evidence is strong, for the law should encourage the employer to set a high standard. To allow the rules to be introduced as admissions of the legal standard of care would induce carelessness and would penalize the cautious employer. The evidence of subsequent repairs to prove a previous negligent condition presents a close analogy. Such evidence is now always excluded. *Morse* v. *Minneapolis & St. L. Ry. Co.*, 30 Minn. 465, 16 N. W. 358; *Columbia & Puget Sound R. Co.* v. *Hawthorne*, 144 U. S. 202; *Hart* v. *Lancashire & Yorkshire Ry. Co.*, 21 L. T. N. S. 261. A few courts, however, have allowed the admission of private rules. *Lake Shore & M. S. Ry. Co.* v. *Ward*, 135 Ill. 511, 26 N. E. 520; *Stevens* v. *Boston Elevated Ry. Co.*, 184 Mass. 476, 69 N. E. 338; *Cincinnati Street Ry. Co.* v. *Altemeier*, 60 Oh. St. 10, 53 N. E. 300; *Delaware, L. & W. R. Co.* v. *Ashley*, 67 Fed. 209. The authority of some of these cases is weakened by the unsound reasoning upon which they rest. The Massachusetts court, for example, confuses private rules and municipal ordinances. See 27 HARV. L. REV. 317. And the Ohio court admits the evidence on the illogical ground that the rules are part of the *res gesta*. The better authorities support the view taken in the principal case, which seems much to be preferred. *Alabama Great Southern R. Co.* v. *Clark*, 136 Ala. 450, 34 So. 917; *Hoffman* v. *Cedar Rapids & M. C. Ry. Co.*, 157 Ia. 655, 139 N. W. 165; *Fonda* v. *St. Paul City Ry. Co.*, 71 Minn. 438, 74 N. W. 166.

FEDERAL COURTS — JURISDICTION AND POWERS IN GENERAL — *AD DAMNUM* REDUCED TO PREVENT REMOVAL FROM STATE TO FEDERAL COURT. — The plaintiff was suing in a state court for five thousand dollars, but received notice that the defendant was about to file a petition for removal to the federal court, and reduced his *ad damnum* by amendment to three thousand dollars to prevent the federal court from getting jurisdiction. *Held*, that the federal court has no jurisdiction. *Anderson* v. *Western Union Tel. Co.*, 218 Fed. 78 (D. C., E. D., Ark.).

A situation somewhat analogous to the principal case arises when a party changes his domicile for the purpose of getting his case into the federal courts. If a new domicile is actually acquired, the motive for the change is immaterial. *Williamson* v. *Osenton*, 232 U. S. 619. A real transfer of the property in dispute to a citizen of another state will likewise give the diversity of citizenship necessary to federal jurisdiction, whatever be the motive. *Briggs* v. *French*, 2 Sumner (U. S.) 251. But see FEDERAL JUDICIAL CODE, § 24. Similarly the decisions were unanimous to the effect that a *remittitur* even